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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

LEE WHITE,

Defendant and Appellant.

B248806

(Los Angeles County
Super. Ct. No. NA092336)

APPEAL from a judgment of the Superior Court of Los Angeles County, Mark C. Kim, Judge. Affirmed.

Ann Krausz, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Appellant Lee White was convicted, following a jury trial, of one count of inflicting corporal injury on spouse, cohabitant or child's parent in violation of Penal Code section 273.5, subdivision (a).¹ The jury found true the allegation that appellant inflicted great bodily injury within the meaning of section 12022.7, subdivision (e). Appellant waived his right to a jury trial on the allegations that he had served five prior prison terms within the meaning of section 667.5, subdivision (b). The trial court found those allegations true.

The trial court sentenced appellant to a term of 12 years in state prison, consisting of the mid-term of three years for the corporal injury conviction, plus the mid-term of four years for the great bodily injury enhancement plus five one-year terms for the prior prison term allegations. Appellant received credit for 189 days of actual custody plus 28 days of conduct credit for a total of 217 days of custody credit.²

Appellant appeals from the judgment of conviction. Finding no error, we affirm.

FACTS

On April 13, 2012, around 10:30 a.m., Gladys C. was standing at the corner of Alamitos and 10th Street in Long Beach with her five- year- old grandson Lee. Gladys was hit in the back by a woman riding by on a bicycle. Gladys turned around and discovered that appellant was right behind the woman on a bicycle. Gladys and appellant had three children and two grandchildren together. Gladys and appellant had separated in 2001.

Gladys had physical custody of Lee, and she had not allowed appellant to visit Lee for some time. Appellant told Gladys that he wanted to visit Lee. She refused. Appellant

¹ All further statutory references are to the Penal Code unless otherwise specified.

² On November 1, 2013, the superior court issued a minute order to correctly reflect the total of 217 days of custody credit, consisting of 189 actual days plus 28 conduct credit days.

took an object from the basket on the front of his bicycle and hit Gladys across the face with it. The object appeared to be a pipe. Appellant then hit Gladys twice more in the face with his hands and fled.

A bystander took Gladys to the hospital. Hospital personnel called 911. Gladys had a fractured jaw and spent two weeks in the hospital. Her jaw was wired shut for some time. At the time of trial, she was expecting to have her jaw re-wired.

On cross-examination of Gladys, appellant's counsel elicited testimony that she had suffered two prior convictions involving moral turpitude. Counsel argued that Gladys was not credible.

DISCUSSION

Appellant filed a timely notice of appeal, and we appointed counsel to represent him on appeal. Appellant's counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, and requested this court to independently review the record on appeal to determine whether any arguable issues exist.

On November 15, 2013, we advised appellant he had 30 days in which to personally submit any contentions or issues which he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied appellant's attorney has fully complied with her responsibilities and no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.

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MINK, J.*

We concur:

MOSK, ACTING P.J.

KRIEGLER, J.

* Retired Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.